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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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MARK JESS ROBERTS,

Petitioner,

v.

SHERIFF NATHAN CURTIS,

Respondent.

**MEMORANDUM DECISION &  
ORDER DENYING CERTIFICATE  
OF APPEALABILITY**

Case No. 4:19-CV-63 DN

District Judge David Nuffer

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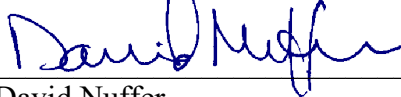
Based on the Tenth Circuit’s limited remand, the Court considers whether to issue a certificate of appealability (COA) here. *See* R.11, Rs. Governing § 2254 Cases in the United States District Courts (“The district court must issue or deny a [COA] when it enters a final order adverse to the applicant.”).

When a habeas petition is denied on procedural grounds, as this one was, a petitioner is entitled to a COA only if he shows that “jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing 28 U.S.C.S. § 2253 (2020)). Petitioner has not made this showing.

**IT IS THEREFORE ORDERED** that a COA is **DENIED**.

Dated February 2, 2021.

BY THE COURT:



David Nuffer

United States District Judge